

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 Cor. of W/S York Road, N/S *
 of Bellona Avenue * ZONING COMMISSIONER
 1600 York Road *
 8th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District *
 Legal Owner: Regent Dev. Co. * Case No. 97-452-A
 William H. Schaefer/Nationwide
 Motor Sales, Inc., Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located at 1600 York Road in Lutherville. The Petition was filed by Regent Development Company, property owner and William H. Schaefer, Lessee. Variance relief is requested from Section 413.2.f. of the Baltimore County Zoning Regulations (BCZR) to permit 292 sq. ft. of business signage in lieu of the maximum permitted 100 sq. ft. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was William H. Schaefer, Petitioner. Also present were Robert Nethen, Sr., from Claude Neon Sign Company, Robert Hanna, and Richard K. Hayasaka from Kia Motors America, Inc. The Petitioner was represented by Leslie M. Pittler, Esquire. Eric Rockel and Kenneth Hutcherson appeared as interested persons.

Testimony and evidence presented was that the subject property is an irregularly shaped lot, with frontage on York Road (Md. Route 45) in Lutherville. The property is located on the northwest corner of the intersection of York Road and Bellona Avenue. The property is improved with a a 2,736 sq. ft. building which is used an automobile showroom, office and vehicle preparation area. The property is utilized as a Nationwide Auto World KIA dealership, which is owned and operated by Mr. Schaefer. Mr. Schaefer also operates the Nationwide dealerships which exist

ORDER RECEIVED FOR FILING

Date

By

6/23/97
 [Signature]

further to the north on York Road in Timonium.

The prior use of this property and zoning history of this site is significant. The property has been used for a series of fast food restaurants and was contemplated for use by the Taco Bell Restaurant organization. However, those plans never materialized and most recently, in case No. 97-92-X, a Petition for Special Exception was granted to permit a used motor vehicles sales area, separate from the sales agency building. Relief was granted in this regard by Deputy Commissioner, Timothy M. Kotroco, on October 14, 1996. As noted above, the dealership is in fact now in operation and several photographs of the site were submitted at the hearing. This Zoning Commissioner is also familiar with the property, passing same daily on his commute. Presently, the business features a single sign, advertising the Nationwide Auto Sale/Used Cars operation on the site. A second sign is proposed, for which relief is requested. The second sign will reach a maximum of 20 ft., however, the face will be 5 ft. 9 inches tall by 8 ft. 9 inches wide. The sign will advertise the site as a KIA dealership. A schematic of the sign is shown on the site plan. Mr. Nethen testified that the sign will be appropriate for the area and internally lit. He indicated that it would not be a flashing sign and would not revolve. It was also indicated that this is the smallest sign which the KIA company authorizes for its franchisees. Mr. Nethen opined that the sign will be appropriate for the area.

Mr. Schaefer also testified as the operator of the dealership and indicated that the sign was required by the manufacturer for this business and believes that same would be appropriate.

Lastly, Robert Hanna also testified. He is the construction manager who built this dealership and described the site improvements which had been made. He opined that the sign was also appropriate.

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Date

By

6/25/97
M. Schaefer

The interested persons who appeared, namely, Eric Rockel and Kenneth Hutcherson, were primarily concerned about an agreement between Mr. Schaefer and the community which was submitted as Joint Exhibit No. 1. This agreement, dated October 4, 1996, was specifically incorporated in Deputy Commissioner, Timothy M. Kotroco's Order and will be re-incorporated herein. It sets forth the terms and conditions of an agreement by and between the community and Mr. Schaefer as to the operation of the business.

Based upon the uncontradicted testimony and evidence offered, I am persuaded to grant the Petition for Variance. In my judgment, the two signs contemplated, one existing and the other proposed, are appropriate for the locale. In my judgment, both signs will be attractive and in keeping with the area. I find that the Petitioner has satisfied the requirements of Section 307 of the BCZR. However, in granting the relief requested, two restrictions shall be imposed. These restrictions are designed to safeguard the community and the Zoning Commissioner is empowered under the zoning regulations to impose such conditions if same are warranted. In my judgment, these are appropriate.

First, as noted above, the agreement by and between Mr. Schaefer and the Lutherville Community Association (Joint Exhibit No. 1) shall expressly be incorporated in this Order. This is obviously repetitive of the Order issued by Deputy Commissioner Kotroco. Secondly, it shall be required that other than the two signs proposed, there shall be no additional outdoor advertising on the site. The Petitioner shall be permitted to advertise on the building or on the windows of the vehicle's being displayed. For example, information indicating the model, year and/or the price of the cars can be written on the windshield of the vehicles. However, other than the two signs permitted herein and the advertising on the building itself, or vehicles, no additional advertising shall be permit-

JUDEA RECEIVED FOR FILING

Date

By

ted. This restriction is specifically designed to eliminate the use of streamers, balloons, inflatable animals, temporary signs and similar means of advertising. Use of any type of advertising in this fashion shall be considered a violation of this Order and shall subject the Petitioner to prosecution as a zoning violation.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of June, 1997 that a variance from Section 413.2.f. of the Baltimore County Zoning Regulations (BCZR) to permit 292 sq. ft. of business signage, in lieu of the maximum permitted 100 sq. ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The agreement by and between Mr. Schaefer and the Lutherville Community Association (Joint Exhibit No. 1) shall expressly be incorporated in this Order.
3. As more fully set forth hereinabove, there shall be no means of outdoor advertising other than the 2 permanent signs identified on the site plan, or signs affixed to the building and/or ... written on the windows of the display vehicles.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES/mm



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 25, 1997

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Case No. 97-452-A
Petition for Variance
Property: 1600 York Road
Legal Owner: Regent Dev. Co.
Lessee: William H. Schaefer, Petitioners

Dear Mr. Pittler:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in part, and denied, in part, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. Eric Rockel, 1610 Riderwood Drive, Lutherville, Md. 21093
c: Mr. Kenneth Hutcherson, 10 Croftley Road, Lutherville, Md. 21093

RE: PETITION FOR VARIANCE * BEFORE THE
1600 York Road, Corner of W/S York Road, *
N/S Bellona Avenue, 8th Election * ZONING COMMISSIONER
District, 3rd Councilmanic * OF BALTIMORE COUNTY
Legal Owner(s): Regent Development Co.
Petitioner: William H. Schaffer/Nationwide Motor Sales, Inc.
Petitioners * CASE NOS. 97-452-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1600 York Road

97-452-A

which is presently zoned BR-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

413.2 F to permit 292 square feet of business sign in lieu of the maximum permitted 100 square feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Site is located at an intersection creating a need for additional signage, limitation of access necessitates need for additional signage, more than one use on site and configuration of the lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

William H. Schaefer

(Type or Print Name)

X Signature

2085 York Road

Address

Timonium, MD 21093

City

State

Zipcode

Attorney for Petitioner:

Leslie M. Pittler

(Type or Print Name)

Signature

29 W. Susquehanna Avenue
Suite 610 823-4455

Address

Towson, MD 21204

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type

Signature

(Type

Signature

Address

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



Printed with Soybean Ink
on Recycled Paper



RICHARD K. HAYASAKA
Sr. District Sales Manager

Kia Motors America, Inc.
Eastern Region

Mailing

Street

3000 Atrium Way, #242

3000 Atrium Way, Suite 240

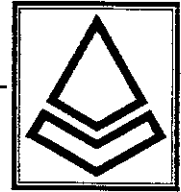
Mt. Laurel, NJ 08054-3925

Mt. Laurel, NJ 08054

(609) 273-3133 • Fax (609) 273-3145

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

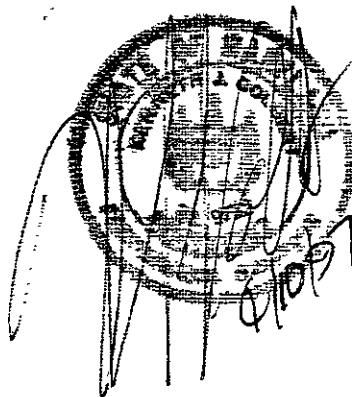
NATIONWIDE MOTOR SALES
1600 YORK ROAD

97-452-A

BEGINNING FOR THE SAME AT A POINT ON THE WEST SIDE OF YORK ROAD AS WIDENED AND SHOWN ON THE PLAT ENTITLED "SUBDIVISION PLAT OF 1600 YORK ROAD AND 1630 BELLONA AVENUE" AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK 67, FOLIO 112; SAID POINT BEING 160 FEET, MORE OR LESS NORTH OF BELLONA AVENUE; THENCE RUNNING AND BINDING ALONG SAID RIGHT-OF-WAY LINE (1) SOUTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF 11,499.16 FEET AND A LENGTH OF 138.05 FEET; THENCE (2) SOUTHERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A LENGTH OF 24.59 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF BELLONA AVENUE, 50 FEET WIDE; THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE (3) SOUTH 34 DEGREES 11 MINUTES 22 SECONDS WEST, 96.91 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING THE FOLLOWING COURSES AND DISTANCES (4) NORTH 41 DEGREES 36 MINUTES 50 SECONDS WEST 82.43 FEET; THENCE (5) SOUTH 69 DEGREES 51 MINUTES 35 SECONDS WEST 118.70 FEET; THENCE (6) NORTH 21 DEGREES 32 MINUTES 40 SECONDS WEST 10.80 FEET; THENCE (7) SOUTH 74 DEGREES 17 MINUTES 20 SECONDS WEST 51.12 FEET; THENCE (8) NORTH 21 DEGREES 01 MINUTES 08 SECONDS WEST 124.27 FEET; THENCE (9) NORTH 69 DEGREES 51 MINUTES 35 SECONDS EAST 287.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.0213 ACRES OF LAND MORE OR LESS.

I:\JOBS\930621 DES 4-10-97



452

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 1, 19*97*

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on *May 1*, 19*97*.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #27-452-A
1800 VON HOO
CORNER of W/S VON HOO
N. E. BOWEN AVENUE

8th Floor, Suite 100

3rd Floor, Suite 100

Legal Office of the

Regent Development Co.

Pennington

William H. Schmitt

National Motor Sales, Inc.

Variances: to permit 282

square feet of business sign in

lieu of the maximum permitted

100 square feet.

Hearing: Tuesday, May 27,

1997 at 11:00 a.m. 4th floor

hearing room, County Build-

ing, 401 Bowley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible, for

special accommodations.

Please Call 887-3383.

(2) For information concern-

ing, the File and/or Hearing,

Please Call 887-3391.

6/04/96 May 1

CI38438

65-15369-1000

PAID RECEIPT
06/15/97 02 5 30R P 12:36
DATE 5 513 70MINING DEPARTMENT
FBI FBI 035969
#000 00 00 1-6-1 0

ACCOUNT	AMOUNT
01-615	\$ 250.00

RECEIVED Leslie P. Hite - 1600 York Rd.
FROM:

FOR: 020-Comm. br. - \$250.00

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

97-452-A

CERTIFICATE OF POSTING

RE: Case # 97-452-A

Petitioner/Developer:
(Nationwide Motor Sales, Inc.)
Date of Hearing/~~Closing~~:
(May 27, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

____ 1600 York Road Baltimore, Maryland 21093 _____

The sign(s) were posted on _____ May 12, 1997 _____
(Month, Day, Year)

Sincerely,

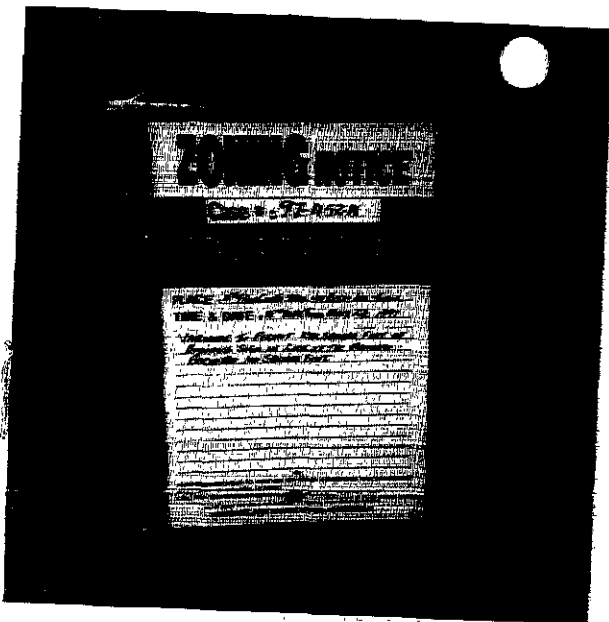

(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. _____
(Printed Name)

____ 325 Nicholson Road _____
(Address)

____ Baltimore, Maryland 21221 _____

____ (410)-687-8485 _____
(Telephone Number)



97-452-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____ *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE**Case No.:** _____

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: * _____

DATE AND TIME: * _____

REQUEST: to permit 292 sq ft. of businesssign in lieu of 100 sq ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**HANDICAPPED ACCESSIBLE**



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 452

Petitioner: William H. Schaefer

Location: 1600 York Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leslie M. P. Hiler

ADDRESS: 29 W. Susquehanna Ave. , Suite 610

Towson, MD 21204

PHONE NUMBER: (410) 823-4455

AJ:ggs

(Revised 09/24/96)

TO: PUTUXENT PUBLISHING COMPANY
May 1, 1997 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq.
29 W. Susquehanna Avenue
Suite 610
Towson, Maryland 21204
410-823-4455

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-452-A
1600 York Road
corner of W/S York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner(s): Regent Development Co.
Petitioner: William H. Schaffer/Nationwide Motor Sales, Inc.

Variance to permit 292 square feet of business sign in lieu of the maximum permitted 100 square feet.

HEARING: TUESDAY, MAY 27, 1997 at 11:00 a.m. 4th floor hearing room Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 24, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-452-A
1600 York Road
corner of W/S York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner(s): Regent Development Co.
Petitioner: William H. Schaffer/Nationwide Motor Sales, Inc.

Variance to permit 292 square feet of business sign in lieu of the maximum permitted 100 square feet.

HEARING: TUESDAY, MAY 27, 1997 at 11:00 a.m. 4th floor hearing room Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: William H. Schaefer
Leslie M. Pittler, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 12, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTUMENT PUBLISHING COMPANY
May 1, 1997 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq.
29 W. Susquehanna Avenue
Suite 610
Towson, Maryland 21204
410-823-4455

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-452-A
1600 York Road
corner of W/S York Road, N/S Bellona Avenue
8th Election District - 3rd Councilmanic
Legal Owner(s): Regent Development Co.
Petitioner: William H. Schaffer/Nationwide Motor Sales, Inc.

Variance to permit 292 square feet of business sign in lieu of the ~~maximum~~ permitted 100 square feet.

HEARING: TUESDAY, MAY 27, 1997 at 11:00 a.m. 4th floor hearing room Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 23, 1997

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue, Suite 610
Towson, MD 21204

RE: Item No.: 452
Case No.: 97-452-A
Petitioner: William Schaefer

Dear Mr. Pittler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 16, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



for
5/27

BALTIMORE COUNTY, MARYLAND

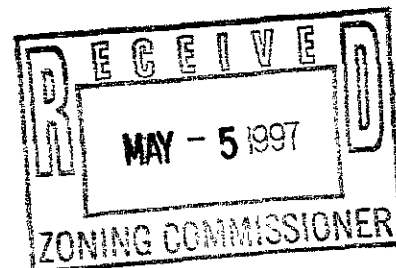
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 5, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 1600 York Road



INFORMATION

Item Number: 452
Petitioner: Schaefer Property
Zoning: BR-CNS
Requested Action: Variance

Summary of Recommendations:

Based upon a review of the information provided, staff can find no justification for the relief requested; therefore, this office believes that it will be incumbent upon the applicant to prove that a need exists for the subject variance.

Prepared by: Jeffery W. Long
Division Chief: Gary L. Kerns

AFK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 5, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 5, 1997
 Item No. 452

The Development Plans Review Division has reviewed the subject zoning item.

Granting this variance must no preclude the developer from providing the required street trees along York Road. Also, the existing vegetation that was required to remain along the western residential property line has been removed. The approved landscape plan must be revised to include an evergreen tree buffer planting to help mitigate the loss of screening.

RWB:HJO:cab

cc: File

ZONE505.452



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.25.97
Item No. 452 MSK

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,

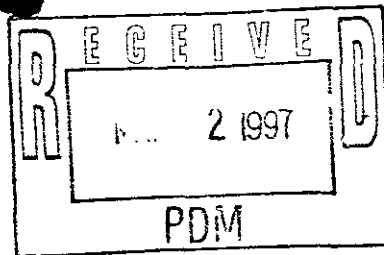
L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



April 28, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 28, 1997

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 457, 458,
459, 460, and 461

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

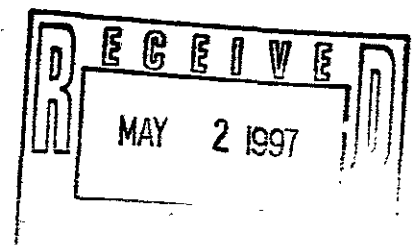
SUBJECT: Zoning Advisory Committee
Meeting Date: April 28, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	443	451	457	458
	445	452	459	
	448	454	460	
	449	455	461	
	450	456		

RBS:sp

BRUCE2/DEPRM/TXTS8P



PETITION PROBLEMS

#440 --- CAM

1. Need title of person signing for legal owner.
2. Folder says area is 54.440 – 54.440 what???

#443 --- JRF

1. Sign form is incomplete/incorrect.

#448 --- MJK

1. Sign form is incomplete/incorrect.

#450 --- MJK

1. Sign form is incomplete/incorrect.

#452 --- MJK

1. Sign form is incomplete/incorrect.
2. Lessee on petition form does not agree with lessee on plat.
3. No legal owner signature, name, address, or telephone number on petition form.

#453 --- MJK

1. Sign form is incomplete/incorrect.

#455 --- JRA

1. Sign form is incomplete/incorrect.
2. Folder says zoning is BL & ROA; petition says ROA.

#456 --- MJK

1. Sign form is incomplete/incorrect.
2. Parking variance for what??

#457 --- JCM

1. No location description on folder (WCR wrote for agenda).
2. Zoning case number on plat is illegible.

#458 --- JRA

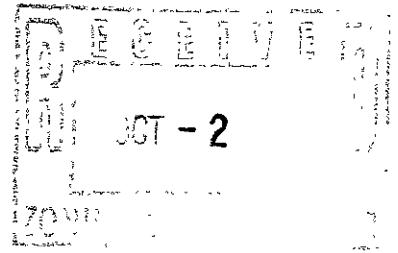
1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#461 --- JCM

1. Plat indicates a contract purchaser; petition does not.

A. Kenneth Hutcherson

10 Croftley Road
Lutherville, Maryland 21093



October 1, 1998

Zoning Commissioner of Baltimore County
Suite 112, Court House
400 Washington Avenue
Towson, MD 21204

RE: Case No. 97-452-A

I was present, as an interested party, when the hearing has held on the property at 1600 York Road for the above mentioned case.

In your ruling on June 25, 1997, the last two sentences at the end of the first paragraph on page 4 states:

"This restriction is specifically designed to eliminate the use of streamers, balloons, inflatable animals, temporary signs and similar means of advertising. Use of this type of advertising in this fashion shall be considered a violation of this Order and shall subject the Petitioner to prosecution as a zoning violation."

During the past 15 months, this order has been violated on numerous occasions, especially on weekends. Enclosed, please find photographs of the site on September 5, 1998.

Sincerely,


Kenneth Hutcherson

cc: Mr. Eric Rockel
1610 Riderwood Drive
Lutherville, MD 21093



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

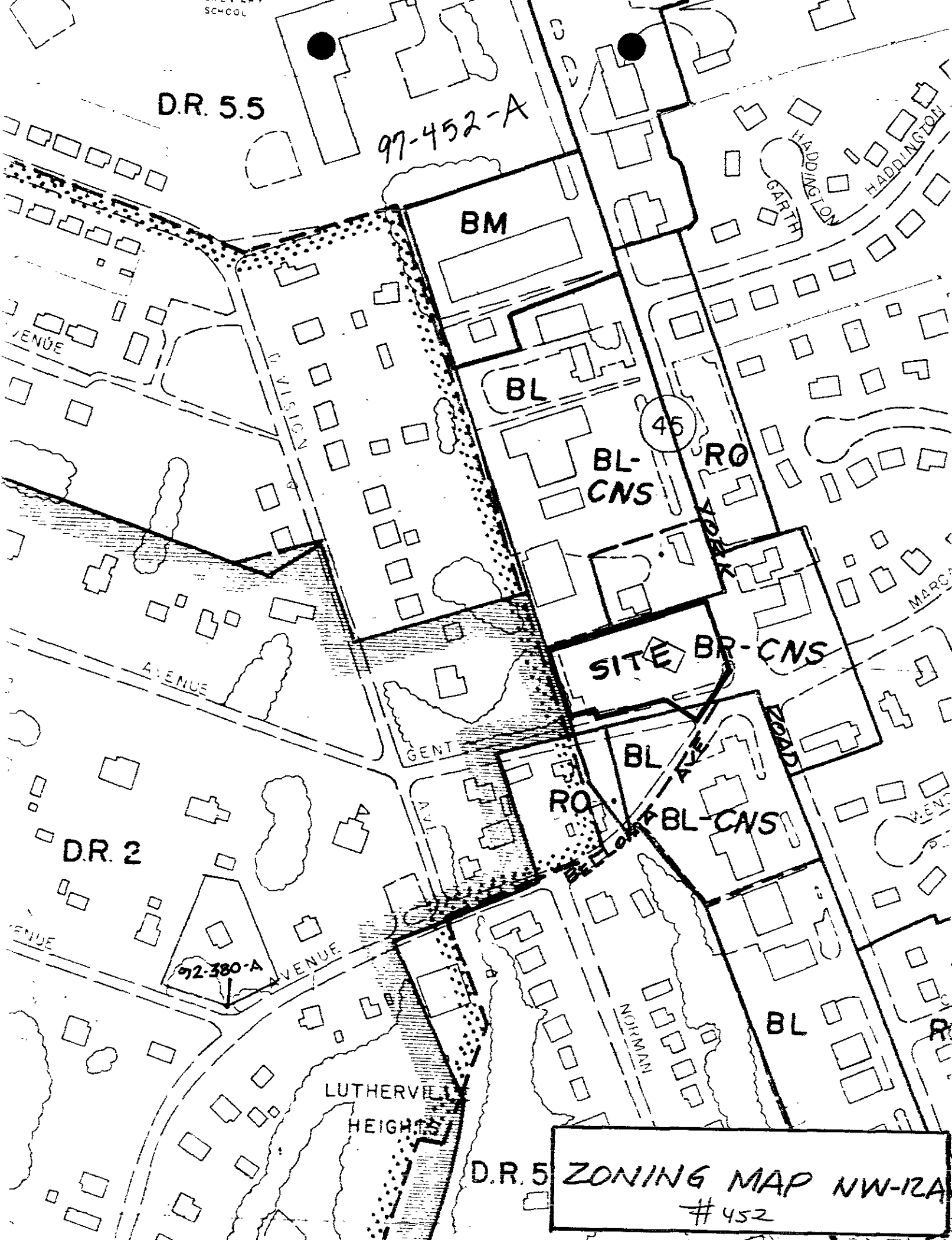
ADDRESS

Eric Rockel

Kenneth Hutchinson

1610 Riderwood Drive 21093

10 CRAFTLEY RD 21093



DR. 5.5

97-452-A

BM

BL

BL-CNS

RO

SITE BR-CNS

BL

RO

BL-CNS

DR. 2

92-380-A

LUTHERVILLE
HEIGHTS

D.R. 5

ZONING MAP NW-12A

#452

Joint
EX No
1

AGREEMENT

THIS AGREEMENT is entered into, as of the 4th day of October, 1996, by and between William H. Schaefer herein called the "Petitioner", and the Lutherville Community Association, Inc. hereinafter the "Association".

RECITALS

A. Petitioner has filed a Petition for a Special Exception for the property known as 1600 York Road, containing in the aggregate approximately 1.0213+- acres, located in the 4th Councilmanic District and the 8th Election District of Baltimore County, Maryland.

B. At the present time, the Land is zoned BR CNS.

C. The Land is currently vacant.

D. The Owner has submitted a request for a special exception for the site to be used as a used motor vehicle outdoor sales area. The case number for said Petition is 97-92-X, Item #52.

E. Lutherville Community Association, Inc. is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of residential areas in the vicinity of the Land, particularly as to the nearby residential areas to the site.

F. The Petitioner and Association desire to place certain restrictions on the site as a used motor vehicle outdoor sales area and on the use thereof to assure that, in the event that the Petition is granted as requested, the site will not have a deleterious effect on nearby residential areas.

G. The Petitioner, in recognition of the concerns of the "Association" and others, is willing to agree to certain restrictions of the site in return for the agreement of "Association" not to oppose said request of the "Petitioner".

AGREEMENTS

NOW THEREFORE, in consideration of the mutual agreements and

understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Petitioner:

a. To at all times discourage any non-office crowds or illegal loitering.

b. No public address system.

c. All light fixtures directed towards site (to direct light inward).

d. Daily hours of operation - 9:00 a.m. to 9:00 p.m.

e. Limitation of lights from approximately (9:00 p.m. to 9:00 a.m. to be used for security purposes only. Number of light standards for this purpose limited.

f. Banners, streamers, display balloons not permitted in accordance with Office of Planning comments.

g. No automobile repair as in accordance with Office of Planning comments.

h. No automobile rack storage system in accordance with Office of Planning.

i. Landscaping plan as submitted at hearing before the Zoning Commissioner and as approved by Baltimore county.

j. Petitioner (William H. Schaefer) for purposes of this special exception hearing on October 4, 1996, agrees not to purchase ^{lease} additional property to the west for purposes of expansion.

k. Petitioner agrees to periodically, (with consent of the property owner to the west) keep area west of the wooden fence free of debris.

l. Petitioner will erect new wooden fence at the west end of the property in place of wooden fence now in place in accordance with landscape plan.

m. Brick portion of Petitioner's building will have a beige or brown colored brick facade or similar brick that will blend with residential area.

n. Petitioner will increase landscaping at western end of site bordering Melanchton at request of Association and of Baltimore County (see Revised Plan 10/2/96).

2. Association

The Association in consideration of the Petitioner agreeing to the said restrictions, shall not oppose the Petitioner's request for a special exception as requested in Case# 97-92-X.

CONDITION PRECEDENT

The obligations of the Petitioner shall not become effective and binding upon them and the site unless and until the site has been granted a special exception for a used motor vehicle outdoor sales area as per the request in Case# 97-92-X.

BINDING EFFECT: DURATION

Upon satisfaction of the condition precedent stated above and the obtaining of a building permit, Petitioner shall cause these restrictions, to be instituted .

In order to further ensure enforcement of this Covenant, William H. Schaefer shall have the duty to provide in all sales contracts for his business that the Buyer(s) be subject to and bound by these covenants and the obligation herein.

MISCELLANEOUS PROVISIONS

The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Agreement.

The Agreement, which may be executed in counterparts, contains the entire understanding of the parties.

Each of the parties warrants that it has carefully read and understands this Agreement, is cognizant of the terms hereof.

Failure, in any instance, to enforce any of the restrictions, contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other restriction in the event of another violation occurring prior or subsequent thereto.

All notices required by this Agreement shall be sent by certified mail, return receipt requested.

IN WITNESS WHEREFOR, the parties have executed this Agreement as of the day and year first above written.

John M. Butte

William H. Schaefer

John M. Butte
~~Secretary~~

Lutherville Community
Association, Inc.

By: Eric Rockel
President



LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610

29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

March 26, 1997

Ref No 3

Mr. Arnold Jablon
Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Signage for 1600 York Road
William H. Schaefer

Dear Mr. Jablon:

Please consider this letter, as one, seeking your Department's opinion on whether or not a permit can be issued for the enclosed sign at the above-captioned property, without the necessity of the sub-lessee, William H. Schaefer having to ask for a variance for same.

There is currently at the site, a sign depicting a previous user of the property, i.e. "Jacks Corned Beef." The size of the current sign is ninety-six (96) square feet, or twelve (12) feet by eight (8) feet wide. The current signage is supported by a pole that is ten (10) feet in length.

The dimensions of the new sign speaks for itself as set out in exhibit "A". The new "KIA" and Nationwide Auto World sign is within the square footage of the aforesaid JACKS CORNED BEEF sign.

Thus, the new, double faced sign will be technically consistent and will utilize the existing ninety-six (96) square fee of the current signage's footage limits.

I am also enclosing to you as exhibit "B" and "C", two previous permits which give credence to our position.

The first, exhibit "B" relates to a permit issued February 20, 1996 which is the same procedure we wish to employ in this particular case and exhibit "C" which is further evidence of our position.

Mr. Arnold Jablon

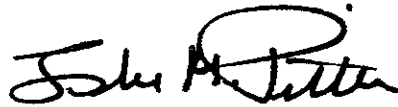
March 26, 1997

Page -2-

It is important to note that the new sign will be erected on the same pole that supports the "JACKS CORNED BEEF" sign.

Please advise me as to whether or not it is permissible for William H. Schaefer to place the sign set forth on exhibit "A" in place of the current sign, without the necessity of a variance, so long as the new sign is affixed to the current sign's pole and is within the same square footage.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leslie M. Pittler". The signature is stylized with a large, looped initial "L" and a cursive "Pittler".

Leslie M. Pittler

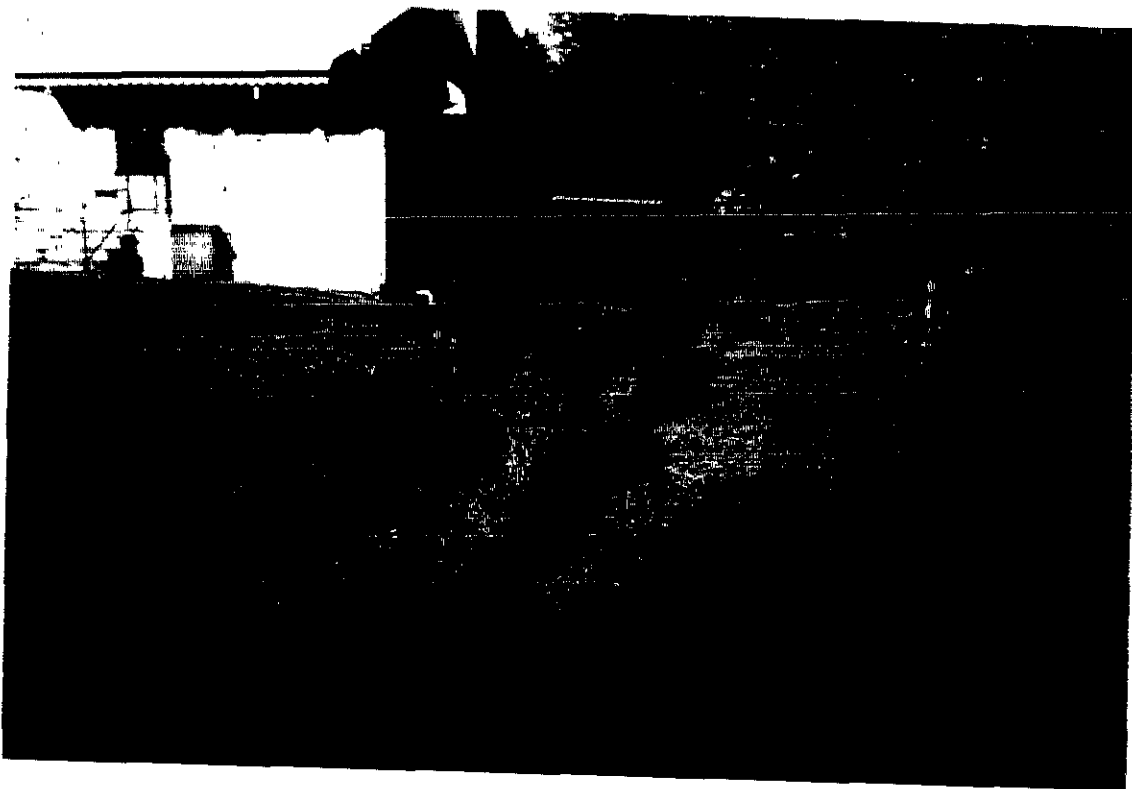
LMP/pgb

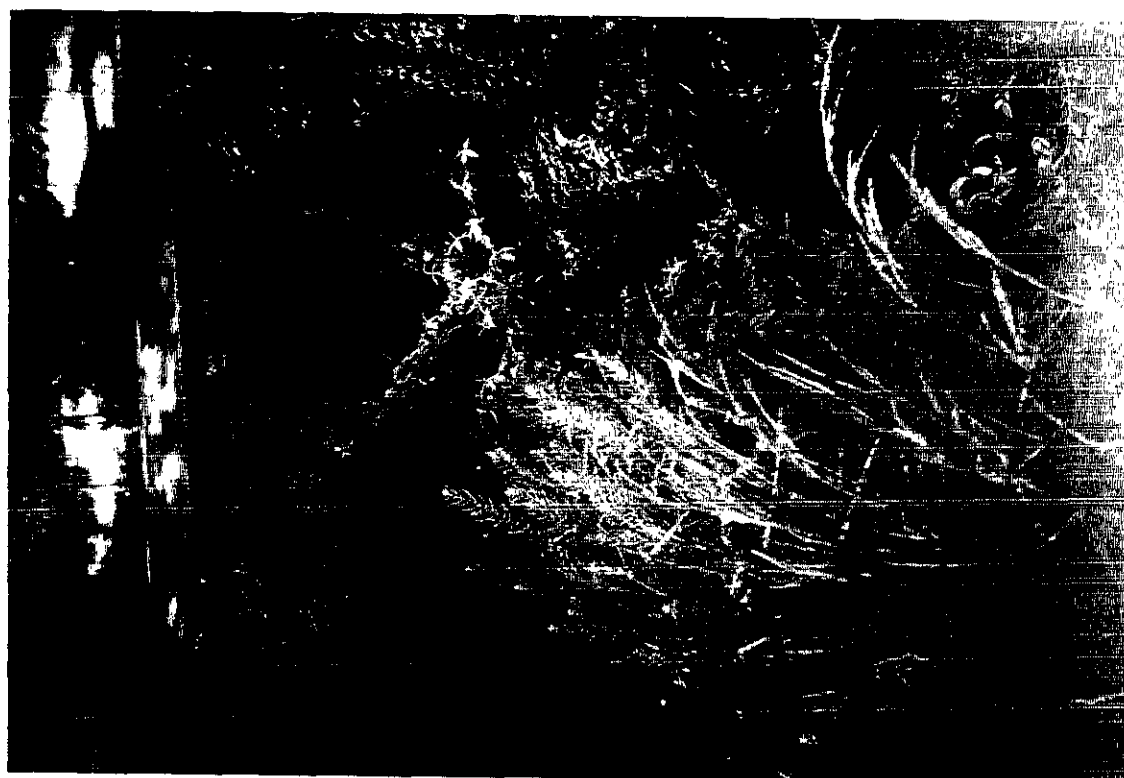
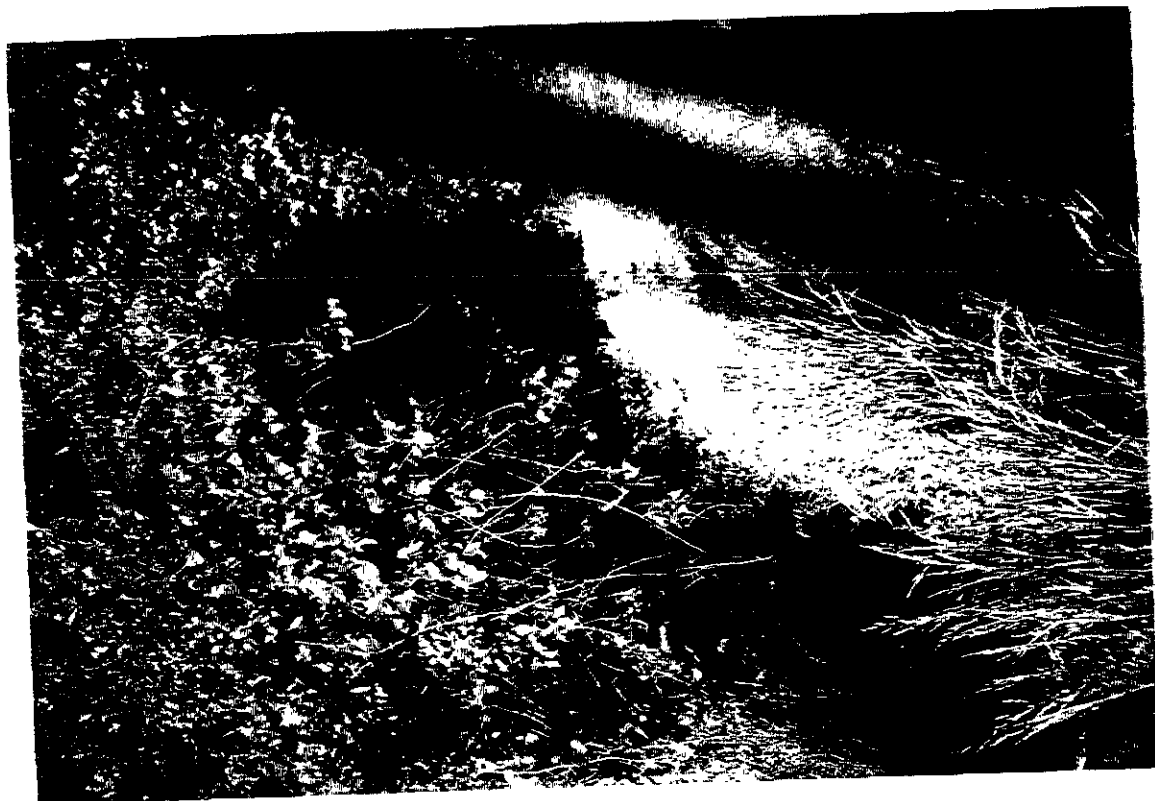
Enclosure

cc: William H. Schaefer





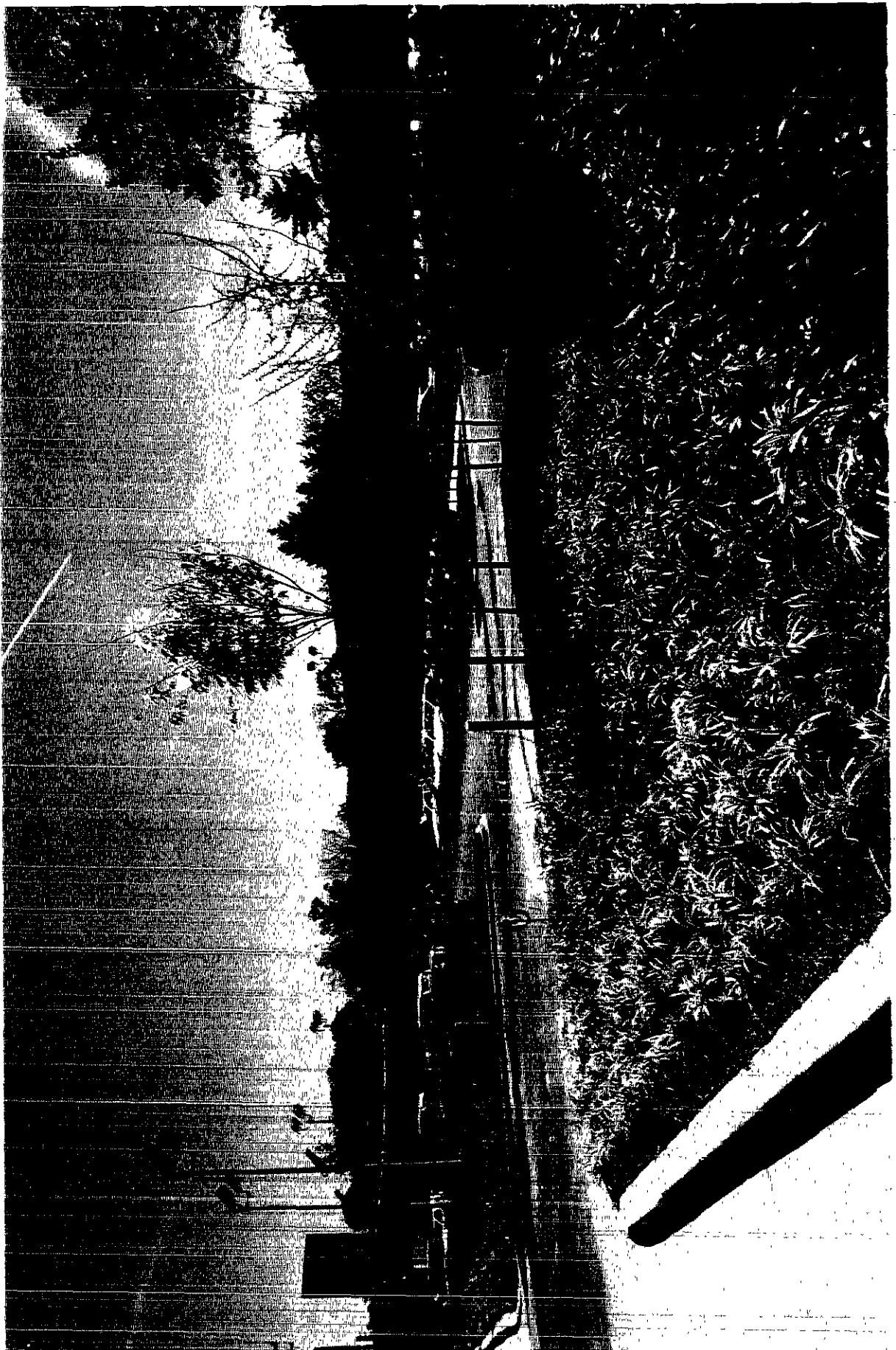


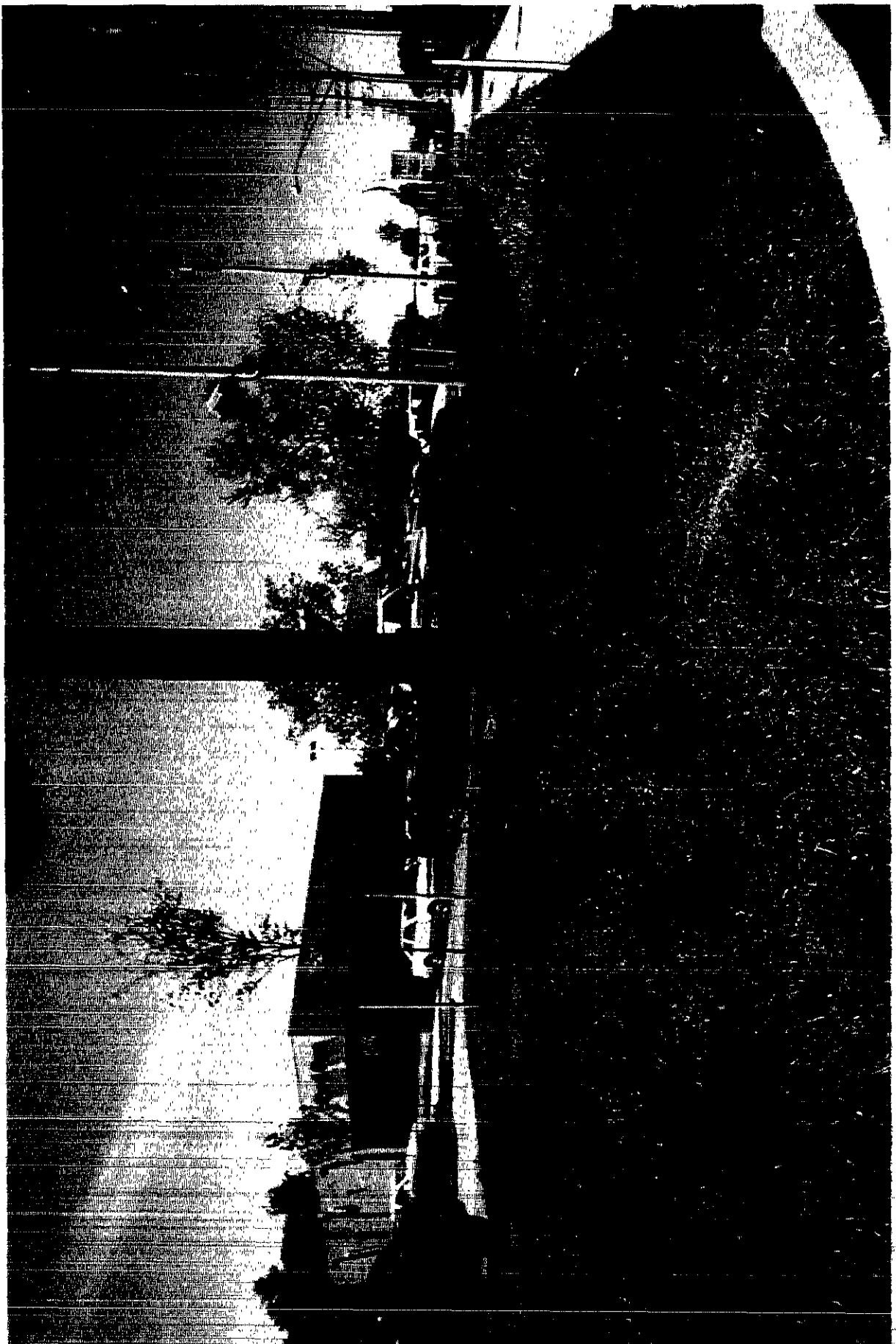




LIGHTNER PHOTOGRAPHY, INC.
9504 Depreco Road
Timonium, MD 21093
410-252-0201

22065003







LIGHTNER PHOTOGRAPHY, INC.
9504 Deereco Road
Timonium, MD 21093
410-252-0201

22065011



